

Circuit Court for Baltimore County
Case No. C-03-CR-23-001979

UNREPORTED*

IN THE APPELLATE COURT
OF MARYLAND

No. 566

September Term, 2024

RONALD STEPHON BROGDON

v.

STATE OF MARYLAND

Friedman,
Shaw,
Kehoe, Christopher B.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Shaw, J.

Filed: December 8, 2025

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

At the conclusion of a bench trial in the Circuit Court for Baltimore County, Appellant Ronald Stephon Brogdon was convicted of two counts of armed robbery, four counts of robbery, four counts of assault in the second degree, two counts of theft, and one count each of attempted robbery, kidnapping, and theft. The court sentenced him to an aggregate term of thirty-five years. Appellant noted this timely appeal and presents one question for our review:

1. Is the evidence sufficient to support Mr. Brogdon’s convictions?

For reasons that follow, we affirm the judgment of the circuit court.

BACKGROUND

On April 1, 2023, Baltimore County Police Officer Searra Reynolds was dispatched to Pizza Sauce, a restaurant on York Road in Timonium, in response to a reported robbery. During her investigation, Officer Reynolds learned that a kidnapping had occurred at a BP gas station nearby, moments after the robbery. Appellant was later identified as the perpetrator of both incidents. He was arrested and charged with various counts, including armed robbery, assault, theft and kidnapping. Appellant elected a bench trial.

The State called, in its case in chief, the manager of Pizza Sauce, Mr. Bishal Sharma. He testified, that on April 1, 2023, he was present in the restaurant with Mr. Banka Zupadsyaya and Mr. Uttam Shrestha to watch a televised soccer match. While there, a man entered the restaurant, whom Mr. Sharma believed to be a customer. The man sat down, took a grayish colored gun out of a paper bag, “racked it” and told Mr.

Sharma to give him all the money. Mr. Sharma stated that the man followed him behind the cash register, sat down, and asked him to put the money on the floor. Mr. Sharma stated that as he emptied the register, the robber left the gun touching him on his leg. The man asked Mr. Sharma for a bag to put the money in, and he then moved toward Mr. Sharma's friends. The robber asked them to put all their money in the bag. He then left.

Mr. Zupadsyaya called 911, and when the police arrived, Mr. Sharma helped them download video from the restaurant's surveillance camera. Mr. Sharma was unable to provide the police with a full description of the suspect because he had on a mask as well as a cap. Mr. Sharma did tell the police that the suspect was taller than him and estimated that he was between twenty-five and thirty years old.

Mr. Zuapadsyaya testified, that, from his position in the restaurant, he could not see what was happening behind the cash register. He could not recall whether he gave the police a description of the suspect, but he did state that the person's gun was "like brown, gray, color, you know, small one." He confirmed that nothing was taken from him.

Ms. Rachel Beaudry, the kidnapping victim, also testified at trial. Ms. Beaudry testified that, after leaving her boxing class in the morning on April 1, 2023, she stopped at a BP gas station on Timonium Road to get gas. As she was getting in her car, "she saw an African American running across . . . Timonium [and] towards the gas station." She testified that "the man ran around the front of my car, got in the passenger side . . . and

started yelling . . . , saying that he had a gun, don't do anything stupid and start driving.” The suspect told her that he was looking for his car. While they drove around, he began referring to the car as “his sister's car”, and he stated that he could not remember where he parked it.

According to Ms. Beaudry, the man asked her for a bag, and she handed him her gym bag. Ms. Beaudry testified that she was not looking at him, but she could hear money, “like shuffling bills almost in the back.” The man directed her where to drive and at one point, the suspect pulled up his pants to show her, that “he [had] this scar on knee that he got from when he was a kid.” Ms. Beaudry described the scar as being a decent size and kind of puckered. She testified that the man had a mask on and appeared to be African American. Ms. Beaudry was unable to provide any further physical description. She testified that he directed her to an area in Baltimore City and she dropped him off there.

Detective Jeremiah Israel, the primary investigator of the robbery and kidnapping, testified that several items were recovered from a driveway and rear yard of a residence located at 35 East Timonium Road, which was across the street from the BP gas station. Police officers recovered a grey sweatshirt with a name tag labeled, “Deshwana”, a dark blue jacket, a red and white baseball hat with “Wendy's” written on it in white lettering, a black bb gun and an air gun cartridge, and two brown bags, one of which contained a pink rectangular object.

After viewing the video surveillance footage from the restaurant and gas station, Detective Israel identified the suspect as wearing a “baseball hat” with “Wendy’s written across.” Detective Israel testified that the suspect could be seen wearing a red and white baseball hat” and “dark jacket”, as well as “dark shorts with a white trim on the bottom.” Detective Israel identified “the suspect running across the street” and entering the passenger seat of Ms. Beaudry’s car wearing “dark shorts with a white trim.”

Detective Israel testified that on the same day as the robbery and kidnapping, police officers discovered a Silver Dodge Caravan “on Edgemore Road, near the intersection of East Timonium Road”- approximately one half block from the BP gas station prior to the robbery. He later determined that the vehicle was registered to Deshwana Heresy and that it had been reported stolen the day after the robbery and kidnapping. Detective Israel obtained a search warrant for the vehicle and recovered a Wendy’s visor, a black bb gun, and two cellular phones- an iPhone and a blue Motorola phone with a cracked screen.

Detective Israel developed Appellant as a suspect and he obtained Appellant’s cell phone number. Upon calling the phone number, the cracked blue Motorola phone lit up. Pursuant to the search warrant he obtained, he was able to access Appellant’s Facebook profile, which contained a photograph matching the locked screen of the recovered iPhone. Detective Israel testified that he was able to determine that Appellant and Deshwana Heresy were siblings. When Detective Israel executed a search warrant of Appellant’s person, he took photographs of his legs, including photographs of a scar on

his outer right leg. Detective Israel confirmed that his case report included information that Mr. Brogdon was thirty-five years old, 5 feet 6 inches tall, weighed 140 pounds, and had a small build.

Following closing arguments and a recess, the court delivered its verdict. Appellant was found guilty of two counts of armed robbery, three counts of robbery, one count of attempted robbery, three counts of assault in the second degree, three counts of theft, one count of attempted theft, and one count of kidnapping. The court explained:

COURT: So, . . . having established the facts, the question so, is the Defendant the individual who had committed the crimes. And the Defense has raised a very understandable question of identification. No individual has specifically identified the Defendant as the individual in the Pizza Sauce video or in Ms. Beaudry's car.

As Counsel well argued, there is no DNA, there are no fingerprints, there is no physical evidence from Mr., from the Defendant's person, which connects him to this Robbery and, kidnapping. The State's case is entirely circumstantial.

However, we instruct juries every day in criminal cases that there is no difference, between the weight to be given to circumstantial evidence and that of direct evidence. In evaluating the evidence that has been presented, the Court finds the following facts which link the Defendant to those crimes.

In the first instance, he gets into Mr. Beaudry's car, tells her that he's looking for his sister's van, his sister's van. As it turns out in the investigation, his sister's van is, indeed, parked nearby on a nearby street, which was later reported by the Defendant's sister to have been stolen or have been taken without authorization.

During the ride with Ms. Beaudry, . . . the individual asks her to look at a distinctive scar on his leg. Following the defendant's arrest, the Defendant is photographed to have the same type of distinctive scar on his right leg and photographs of that were introduced into evidence.

During the subsequent search of his sister's van, again, recovered nearby, the Defendant's cell phones are located within it. One of those, a Motorola, responds to a phone number he had given to the police, or, or was available to the police and determined that was associated with Mr., to, with the Defendant. So, one rang, the other one, an I-phone contained photographs of Defendant on it. It is clear that he was connected to that van at that time.

Additionally, the individual who robbed the Pizza Sauce wore a Wendy's hat and a Wendy's sweatshirt. Both of those were recovered from the 35 East Timonium road location. The Wendy's sweatshirt had the name tag on it. The name tag Deshwana was exact, is the same as the Defendant's sister.

In addition, there was another Wendy's article of clothing, a visor, which was seized from the van during the investigation. All of that leads to a highly reasonable inference that the Defendant's sister worked at Wendy's at least at some point in time, that had Wendy's clothing and that he used that clothing during the course of the robbery.

While all this evidence is circumstantial, I find that there is simply too many coincidences for the conclusion, to, to be that there just simply a series of unrelated and random events. There, there are just are too many questions.

So, that all of this evidence, and the reasonable inferences based upon that evidence, compels me to conclude beyond a reasonable doubt that the Defendant was the individual who robbed the Pizza Sauce store on April the 1st and kidnapped and robbed Ms. Beaudry in an effort to escape.

STANDARD OF REVIEW

An appellate court reviews cases tried without a jury, on both the law and the evidence. A judgment will not be set aside on the “evidence unless clearly erroneous and [the reviewing court] will give due regard to the opportunity of the trial court to judge the credibility of the witnesses.” Md. Rule 8-131(c).

The standard for reviewing the sufficiency of evidence is “whether, after [considering] the evidence in the light most favorable to the prosecution, any rational trier

of fact could have found the essential elements of the crimes beyond a reasonable doubt.” *Smith v. State*, 415 Md. 174, 184 (2010) (citing *Jackson v. Virginia*, 443 U.S. 307, 318-19 (1979)). “The issue of the legal sufficiency of the evidence is not concerned with the findings of fact based on the evidence or the adequacy of the fact findings to support a verdict.” *Chisum v. State*, 227 Md. App. 118, 129 (2016). “It is concerned only, at an earlier pre-deliberative stage, with the objective sufficiency of the evidence itself to permit the factfinding even to take place.” *Id.* at 129-30. “The burden of production is not concerned with what a factfinder, judge or jury, does with the evidence.” *Id.* at 130. “It is concerned, in the abstract, with what any judge, or any jury, anywhere, could have done with the evidence.” *Id.* (emphasis omitted). “It is an objective measurement, quantitatively and qualitatively, of the evidence itself.” *Id.*

While a conviction may rest on circumstantial evidence, the trier of fact may not resort to speculation or conjecture. *Taylor v. State*, 346 Md. 452, 458 (1994) (explaining that circumstantial evidence “must do more than raise the possibility or even the probability of guilt. [I]t must . . . afford the basis for an inference of guilt beyond a reasonable doubt.”). “This . . . does not preclude a conviction based on a credibility determination emanating from disputed evidence.” *Id.* at 458-59.

DISCUSSION

Appellant challenges the sufficiency of the evidence, arguing that the State failed to establish identity. Appellant argues that the judge inferred his guilt by “impermissibly resorting to speculation marred by evidentiary discrepancies.” Appellant argues that

because of the absence of forensic evidence and discrepancies in witness testimony and physical evidence, it is “no more likely that Brogdon is responsible for the robbery and kidnapping than another sibling of Ms. Heresy.” The State contends that the evidence established that Appellant was the perpetrator of both crimes.

In *Martin-Dorm v. State*, 259 Md. App. 676 (2023), this Court examined the sufficiency of the evidence in a second-degree murder case. The State called no eyewitness and there was no evidence directly linking the appellant to the murder. *Id.* at 686. A key witness for the State testified that she saw the victim on night of the murder, and he identified the appellant as being in the bar the same night. *Id.* at 684. Immediately before calling 911, another employee saw someone running nearby, and when interviewed by the police, he identified the appellant as the man who asked the victim to come outside of the bar, moments before the murder. *Id.* at 685. Surveillance footage showed a person running from the area and the person had on clothing similar to the appellant’s clothing. *Id.*

This Court held that the trial court’s denial of appellant’s motion for judgment of acquittal was not error. *Id.* at 687. We noted that “the law makes no distinction between direct and circumstantial evidence and that no greater degree of certainty is required when the evidence is circumstantial.” *Id.* (quoting *Gilmore v. State*, 263 Md. 268, 292-93 (1971)). Quoting from *Ross v. State*, 232 Md. App. 72 (2017), we stated:

Even in a case resting solely on circumstantial evidence, and resting moreover on a single strand of circumstantial evidence, if two inferences reasonably could be drawn, one consistent with guilt and the other consistent with innocence, the choice of which of these inferences to draw

is exclusively that of the fact-finding jury and not that of a court assessing the legal sufficiency of the evidence.

Id. We observed that the state’s case was overwhelmingly circumstantial and “the inference of guilt was undeniable.” *Id.*

In the present case, video footage from the restaurant showed distinctive clothing worn by the perpetrator: a red baseball cap with Wendy’s written on the front of it in white lettering, a dark blue jacket, and dark shorts with white trim along the bottom. The detective later discovered what appeared to be the same red Wendy’s hat, a black bb gun, an air gun cartridge, a dark blue jacket, a grey sweatshirt with a labeled Wendy’s nametag containing the Appellant’s sister’s name “Deshawana” in the driveway of the residence near the location of the incidences. The video footage from the BP gas station shows a “suspect running across the street” and entering the passenger seat of Ms. Beaudry’s car wearing the same “dark shorts with a white trim.”

Ms. Beaudry, the kidnapping victim, testified that the individual who entered her car, told her that he was looking for his sister’s car. He showed her a distinctive scar on his leg. When law enforcement executed a search of Appellant’s person, they photographed a distinctive scar found on his right leg. The detectives also determined that Deshawna Heresy is Appellant’s sister. When they executed a search of her van, two cellular phones were found which belonged to Appellant.

Based on this record, we hold that, while the evidence was entirely circumstantial, the evidence was sufficient. We find no merit to Appellant’s contention that the court relied on speculation. Here, there was a plethora of circumstantial evidence, such that a

reasonable trier of fact could have determined that Appellant was, in fact the perpetrator of both the robbery and the kidnapping. As the trial judge stated:

[A]ll of this evidence, and the reasonable inferences based upon that evidence, compels me to conclude beyond a reasonable doubt that the Defendant was the individual who robbed the Pizza Sauce store on April the 1st and kidnapped and robbed Ms. Beaudry in an effort to escape.

We hold the circuit court did not err.

**JUDGMENT OF THE CIRCUIT COURT FOR
BALTIMORE COUNTY AFFIRMED; COSTS TO
BE PAID BY APPELLANT**